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Amendments to the Drawings

The attached sheet of drawings includes changes to FIG. 2 and replaces the original FIG. 2. Labels have been added to the rows and columns of the matrix of FIG. 2. In addition, new FIG. 3 is also included.

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REMARKS

This is in response to the presently pending Office Action that was mailed on August 19, 2005. Claims 1-10 are pending and stand rejected. The Office Action rejected claims 1-10 under 35 U.S.C. § 112, second paragraph, for being indefinite. However, the Office Action indicated that claims 2-4 and 6-8 would be allowable if rewritten to overcome the rejections under § 112 and included all the limitations of the base claim and any intervening claims.

At the outset, Applicants acknowledge with appreciation the Examiner's indication that claims 2-4 and 6-8 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph and included all the limitations of the base claim and any intervening claims.

Returning to the §112 rejections, the Office Action stated that the references to three code lengths (i.e., the optimum real code length, the orthogonal complex code length, and the spreading code length) in the claim rendered the claim indefinite. More specifically, the Office Action stated that these recitations were indefinite because "[t]he way the claim reads these three different types of code lengths could be irrespective of each other and could refer to any arbitrary code length."

Written Statement Regarding Substance of 9/22/2005 Interview per 37 CFR 1.113(b)

The Applicants extend appreciation for the opportunity to discuss the rejections in the present application with Examiner Emdadi during the telephone interview that occurred on September 22, 2005 at 1:00 p.m. EST. Those participating in the interview were in-house counsel for the Applicants, Georgann S. Grunebach, and outside counsel for the Applicants, Thomas F. Lebens, and Timothy R. Baumann. In accordance with the requirements of 37 CFR 1.133(b) and the manual of Patent Examining Procedure (MPEP) §713.04, the Applicants provide the following written statement of the reasons presented at the interview as warranting favorable action.

No exhibits were shown or discussed. The pending independent claims, and in particular, claim 1, were discussed. The §112 rejections were discussed, and specifically, the definiteness of the three code lengths recited in the claims. Regarding the reasons for allowance, the general thrust of the Applicants' argument was that although, in some cases, the three code lengths may be calculated using common variables (e.g., n , where n is an integer), in other cases,

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this may not necessarily be the case. The Applicants argued that the relative length values will always be the same (relative to each other) no matter how the calculations are performed and no matter what formulas are used in the calculations. While the lengths themselves can assume any number of values, their relationship to each other will always remain fixed. Hence, the Applicants argued that the §112 rejections were traversed and should be withdrawn.

In response to Applicants' arguments, the Examiner withdrew the §112 rejections. The Applicants wish to thank the Examiner for the withdrawal of the §112 rejections and the opportunity to move prosecution of the case forward.

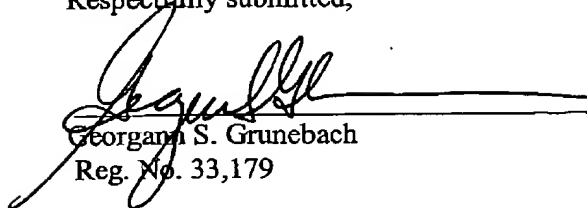
In addition, the Examiner mentioned during the course of the interview that he believed FIG. 2 should include more labeling. Consequently, the Applicants have added labels to FIG. 2 to show that each row and column of the matrix in the figure is an orthogonal complex code that is orthogonal to every other code in the matrix. No new matter has been added. A red-lined version of the drawing has been submitted herewith for the approval of the Examiner. A formal drawing incorporating the changes is also enclosed.

The Examiner also stated that a new drawing should be included to further illustrate the approaches claimed by the Applicants. In response to the Examiner's suggestion, the Applicants submit FIG. 3 with this response. FIG. 3 is a flowchart that describes one example of the Applicants' approach for determining complex codes having a length that is greater than a real code length but less than or equal to a spreading code length. The Applicants have also added corresponding text to the specification that describes this figure. No new matter has been added.

In view of the foregoing, it is submitted that the application is in condition for allowance which is respectfully requested. The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 50-0383. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0383.

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Respectfully submitted,



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